

REMARKS

New claim 47 distinguished over the cited references on at least two bases.

Firstly, none of the cited references teach a receiver having a shell to find a place to insert the advertisement in the cached content before the cached content continues to be output for display. The problem is that once it is decided to use the cached content such as an advertisement, a place must be found for that advertisement insertion within the ongoing content display. If the advertisement is simply inserted anywhere, the advertisement insertion may interfere with the ongoing display. This would be confusing to listeners and users.

The cited reference to Morrison is distinguishable among other reasons because he does not find a location to insert material. A break in the program material for insertion of the material is indicated by a program break flag. *See* column 3. Thus, there is no determination in the receiver of where to insert the ad but instead this is determined by material transmitted in the code received from the transmission end.

Secondly, none of the cited references teach sending update instructions with the content and the advertisement. In Fuller there are no instructions transmitted with the advertisement and the content. Instead a software module already resident on the receiver handles this task. *See* Fuller, column 11, lines 36-40. Exactly how it does so is not very clear in the reference but it is clear that the reference does not use instructions that were transmitted to the receiver. In particular, as explained in column 11, lines 46 *et seq.*, the replacement of a new advertisement may be done by accessing the Internet. There are never any update instructions that are provided with the content and the advertisement.

Therefore reconsideration is respectfully requested.

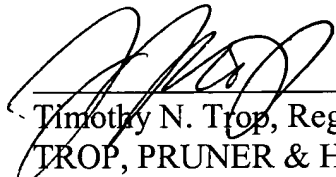
CONCLUSION

In consideration of the new claims and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested.

The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (BKA.0006US).

Respectfully submitted,

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Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Customer No.: 21906